

1 JUDGE THOMAS O. RICE  
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9 Braden Pence, WSBA #43495  
10 Joe Shaeffer, WSBA #33273  
11 Mika Rothman, WSBA #55870  
12 MacDonald Hoague & Bayless  
13 705 Second Avenue, Suite 1500  
14 Seattle, Washington 98104-1745  
15 Phone: 206-622-1604  
16  
17

18 UNITED STATES DISTRICT COURT  
19 EASTERN DISTRICT OF WASHINGTON AT SPOKANE  
20

21 JAMES LEIGHTY,

22 Plaintiff,

23 v.

24 SPOKANE COUNTY, a municipal  
25 corporation; SHERIFF JOHN NOWELS,  
an individual; and SPOKANE COUNTY  
26 SHERIFF'S OFFICE, a subdivision of a  
municipal corporation,

27 Defendants.

28 No. 2:24-cv-00165-TOR  
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30 STIPULATION AND [PROPOSED]  
31 ORDER ENTERING PERMANENT  
32 INJUNCTION  
33

34 2/20/2025  
35 Without Oral Argument  
36

37 **STIPULATION**  
38

39 This matter comes before the Court upon the stipulation of Plaintiff James  
40 Leighty and Defendants Spokane County, Sheriff John Nowels, and the Spokane  
41 County Sheriff's Office for the entry of a stipulated order granting a permanent  
42 injunction.  
43

44 STIPULATION AND [PROPOSED] ORDER ENTERING  
45 PERMANENT INJUNCTION - 1

46 No. 2:24-cv-00165-TOR

47 MACDONALD HOAGUE & BAYLESS  
48 705 Second Avenue, Suite 1500  
49 Seattle, Washington 98104  
50 Tel 206.622.1604 Fax 206.343.3961

1 Plaintiff brought this action for violations of the First Amendment by  
2 Defendants through censorship of Plaintiff's comments on its official Facebook  
3 Page.

4 Defendants agree to the following permanent injunctive terms:

- 5 1. Defendants agree to be enjoined from enforcing its social media  
6 Disclaimer against Plaintiff (or anyone else) by "hiding" or otherwise  
7 removing from public view speech protected by the First Amendment.
- 8 2. Defendants have turned off the ability of any Facebook user to comment  
9 on the County's Facebook page and agree to be enjoined from turning  
10 back on the comments without future leave from the Court.
- 11 3. Hidden comments prior to the date of Plaintiff's complaint, May 21,  
12 2024, are not subject to this Order.
- 13 4. These named Defendants agree to be bound by these terms for the  
14 duration of Sheriff Nowels term in office. Sheriff Nowels may seek a  
15 modification to this Order in the event that there are any substantive legal  
16 changes to social media and First Amendment rights during his tenure.
- 17 5. The parties further agree that this Order encompasses the understanding  
18 that any future Sheriff may seek to modify this order by filing a motion  
19 with this Court.

20 **1) ORDER**

21 Based on the foregoing stipulation and having reviewed the pleadings, the  
22 Court finds that requirements for entry of a permanent injunction have been met,  
23 and hereby ORDERS that until a further order from this Court:

STIPULATION AND [PROPOSED] ORDER ENTERING  
PERMANENT INJUNCTION - 2

No. 2:24-cv-00165-TOR

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705 Second Avenue, Suite 1500  
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1. Defendants agree to be enjoined from enforcing its social media Disclaimer against Plaintiff (or anyone else) by “hiding” or otherwise removing from public view speech protected by the First Amendment.
2. Defendants have turned off the ability of any Facebook user to comment on the County’s Facebook page, and are hereby enjoined from turning back on the comments without future leave from the Court.
3. Sheriff Nowels may seek an Order to modify or vacate this Order based upon any substantive legal changes in social media and First Amendment rights.
4. Any future Sheriff of Spokane County may seek an Order to modify or vacate this Order.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Hon. Thomas O. Rice  
United States District Court Judge

1 EVANS, CRAVEN & LACKIE, P.S.

3 By: /s/Heather Yakely

4 Heather C. Yakely, WSBA #28848

[hyakely@ecl-law.com](mailto:hyakely@ecl-law.com)

5 Attorney for Defendants Spokane  
County and John Nowels

2 MacDONALD HOAGUE &  
BAYLESS

3 By: /s/Braden Pence

4 Braden Pence, WSBA #43495

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7  
8 *Attorneys for Plaintiff*

## **CERTIFICATE OF SERVICE**

I, Lucas Wildner, declare under penalty of perjury under the laws of the United States of America that I caused to be served in the manner noted below a copy of the foregoing document on the following participant(s):

EVANS, CRAVEN & LACKIE, P.S.

Heather C. Yakely, WSBA #28848  
Savannah Youmans, Legal Assistant  
818 W. Riverside, Suite 250  
Spokane, WA 99201  
[hyakely@ecl-law.com](mailto:hyakely@ecl-law.com)  
[syoumans@ecl-law.com](mailto:syoumans@ecl-law.com)

- Via Clerk of the Court (CM/ECF System)
- Via Facsimile
- Via First Class Mail
- Via Email
- Via Overnight Delivery

*Attorney for Defendants Spokane  
County, John Nowels, and Spokane  
County Sheriff's Office*

DATED this 13<sup>th</sup> day of February, 2025, at Seattle, Washington.

/s/Lucas Wildner  
Lucas Wildner, Legal Assistant

**STIPULATION AND [PROPOSED] ORDER ENTERING  
PERMANENT INJUNCTION - 5**

No. 2:24-cv-00165-TOR

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